

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JACKIE WILLIAMS, et al.

Plaintiffs,

v.

FACEBOOK, INC., et al.

Defendants.

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**CIVIL ACTION NO.
2:18-CV-00535-RDP**

JOINT MOTION TO STAY

Defendant Facebook, Inc. and Plaintiffs Jackie Williams and Lee Sims respectfully request that the Court enter an order temporarily staying this case until the Judicial Panel on Multidistrict Litigation renders its decision on the pending motion to create an MDL, at which point the parties can meet and confer regarding deadlines to respond to Plaintiffs' complaint. In support of their motion, Facebook and Plaintiffs state as follows:

1. In the wake of recent press reports describing Cambridge Analytica's misuse of Facebook user data,¹ a series of actions were filed in courts around the country against Facebook and Cambridge Analytica (among others). All of the actions arise from the same alleged facts: that a third-party app developer named Aleksandr Kogan, beginning in 2013, used an app he created to obtain information about Facebook users by paying them to take a personality test; that Kogan collected information about those individuals and their Facebook "friends" and then shared

¹ M. Rosenberg, N. Confessore & C. Cadwalladr, *How Trump "Consultants" Exploited the Facebook Data of Millions*, N.Y. Times (Mar. 17, 2018), <https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>; C. Cadwalladr & E. Graham-Harrison, *Revealed: 50 Million Facebook Profiles Harvested for Cambridge Analytica in Major Data Breach*, The Guardian (Mar. 17, 2018), <https://www.theguardian.com/news/2018/mar/17/cambridge-analytica-facebook-influence-us-election>.

that information, through his company Global Science Research (“GSR”), with Cambridge Analytica, contrary to Facebook’s terms and policies.

2. There are currently pending twenty-eight consumer actions alleging harm to Facebook users due to the alleged misuse of their data. These cases are currently pending in eight different districts: the Northern District of California (19 cases);² the Northern District of Illinois (two cases);³ the Central District of Illinois (one case);⁴ the Central District of California (one case);⁵ the Southern District of Texas (one case);⁶ the District of Delaware (two cases);⁷ the Northern District of Alabama (one case);⁸ and the District of New Jersey (one case).⁹

3. The plaintiffs in several of the consumer actions have requested that the Panel transfer and consolidate the cases before a single district court. Facebook has filed a response

² *Price v. Facebook, Inc.*, No. 3:18-CV-01732 (N.D. Cal.) (filed Mar. 20, 2018) (Chhabria, J.); *Rubin v. Facebook, Inc.*, No. 3:18-CV-01852 (N.D. Cal.) (filed Mar. 26, 2018) (Chhabria, J.); *Gennock v. Facebook, Inc.*, No. 3:18-CV-01891 (N.D. Cal.) (filed Mar. 27, 2018) (Chhabria, J.); *O’Kelly v. Facebook, Inc.*, No. 3:18-CV-01915 (N.D. Cal.) (filed Mar. 28, 2018) (Chhabria, J.); *Beiner v. Facebook, Inc.*, No. 3:18-CV-1953 (N.D. Cal.) (filed Mar. 29, 2018) (Chhabria, J.); *Haslinger v. Facebook, Inc.*, No. 3:18-CV-01984 (N.D. Cal.) (filed Mar. 30, 2018) (Chhabria, J.); *Kooser v. Facebook, Inc.*, No. 4:18-CV-02009 (N.D. Cal.) (filed Apr. 2, 2018) (Chhabria, J.); *Picha v. Facebook, Inc.*, No. 3:18-CV-02090 (N.D. Cal.) (filed Apr. 5, 2018) (Chhabria, J.); *Labajo v. Facebook, Inc.*, No. 4:18-CV-02093 (N.D. Cal.) (filed Apr. 5, 2018) (Chhabria, J.); *Iron Wing v. Facebook, Inc.*, No. 3:18-CV-02122 (N.D. Cal.) (filed Apr. 6, 2018) (Chhabria, J.); *Johnson v. Facebook, Inc.*, No. 3:18-CV-02127 (N.D. Cal.) (filed Apr. 9, 2018) (Chhabria, J.); *Gerena v. Facebook, Inc.*, No. 4:18-CV-02201 (N.D. Cal.) (filed Apr. 12, 2018) (Chhabria, J.); *Buckles v. Facebook, Inc.*, No. 3:18-CV-02189 (filed Apr. 12, 2018) (Chhabria, J.); *King v. Facebook, Inc.*, No. 3:18-CV-02276 (N.D. Cal.) (filed Apr. 16, 2018) (Chhabria, J.); *Sanchez v. Facebook, Inc.*, No. 3:18-CV-2381 (N.D. Cal.) (filed Apr. 20, 2018) (Chhabria, J.); *Burk v. Facebook, Inc.*, No. 3:18-CV-2504 (N.D. Cal.) (filed Apr. 26, 2018) (Chhabria, J.); *Bouillon v. Facebook, Inc.*, No. 3:18-CV-02566 (N.D. Cal.) (filed May 1, 2018) (Beeler, M.J.); *Schinder v. Facebook, Inc.*, No. 3:18-CV-02571 (N.D. Cal.) (filed May 1, 2018) (Chhabria, J.); *Pelc v. Facebook, Inc.*, No. 5:18-CV-2948 (N.D. Cal.) (filed May 18, 2018) (Cousins, J.).

³ *People of the State of Illinois v. Facebook, Inc.*, No. 1:18-CV-02667 (N.D. Ill.) (filed Mar. 23, 2018) (Dow, J.) (upon removal from the Circuit Court, Cook County, Case No. 2018-CH-03686); *Comforte v. Cambridge Analytica*, No. 1:18-CV-02120 (N.D. Ill.) (filed Mar. 22, 2018) (Bucklo, J.).

⁴ *Barton v. Facebook, Inc.*, No. 2:18-CV-2105 (C. D. Ill.) (filed Apr. 12, 2018) (Long, Mag.).

⁵ *O’Hara v. Facebook, Inc.*, No. 8:18-CV-00571 (C.D. Cal.) (filed Apr. 4, 2018) (Guilford, J.).

⁶ *Lodowski v. Facebook, Inc.*, No. 4:18-CV-00907 (S.D. Tex.) (filed Mar. 23, 2018) (Ellison, J.).

⁷ *Redmond v. Facebook, Inc.*, No. 1:18-CV-00531 (D. Del.) (filed Apr. 10, 2018) (Thynge, Mag.); *Skotnicki v. Facebook, Inc.*, No. 1:18-CV-00655 (D. Del.) (filed Apr. 30, 2018) (Andrews, J.).

⁸ *Williams v. Facebook, Inc.*, No. 2:18-CV-00535 (N.D. Ala.) (filed Apr. 4, 2018) (Proctor, J.).

⁹ *Malskoff v. Facebook, Inc.*, No. 2:18-CV-04451 (D.N.J.) (filed Mar. 27, 2018) (Salas, J.).

expressing agreement that transfer and consolidation are appropriate. The Panel has scheduled a hearing on May 31, 2018, and is likely to decide the motion to transfer shortly thereafter.

4. Given the factual and legal issues presented in the cases as well as the many benefits of consolidation, it appears likely the Panel will grant the motion, consolidated all of the cases, and assign them to one judicial district for pretrial proceedings. Temporarily staying this case while the Panel considers the motion would promote judicial economy, avoid duplicative efforts, and further uniform, consistent, and predictable litigation.

5. A brief stay will cause no prejudice to the parties, as this case is still in its early stages, discovery has not commenced, and the Panel will likely decide the motion to transfer shortly after the May 31, 2018 hearing.

6. A brief stay will also avoid the risk of inconsistent rulings that could result from litigating nearly identical cases in multiple districts simultaneously but in an uncoordinated fashion.

7. For these reasons, a stay of this case pending the Panel's decision would best serve the interests of the Court and the parties in conserving judicial resources, avoiding duplicative litigation, and avoiding inconsistent rulings.

8. Facebook specially appears only for the purpose of its request to stay this case. Facebook's request is subject to and without waiving any defenses and rights available to it. Facebook expressly reserves, and does not waive, all defenses enumerated in Rule 8 and Rule 12 of the Federal Rules of Civil Procedure.

WHEREFORE, premises considered, Facebook and Plaintiffs respectfully request that the Court enter an order granting this motion and staying this case until after the JPML decides whether

to create an MDL, at which point the parties will meet and confer regarding deadlines to respond to Plaintiffs' complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed on this the 21st day of May 2018, the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Evan P. Moltz

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